



097866,145

RCE & Office Action Response

12/16/10

Claim List – Status and Support of Current Amendment Changes

Claim	Status	Type	Support for Current Changes
1	Pending	Method	There are no changes in this amendment.
2	Pending	Method	There are no changes in this amendment.
3	Pending	Method	There are no changes in this amendment.
4	Pending	Method	There are no changes in this amendment.
5	Pending	Method	There are no changes in this amendment.
6	Pending	Method	There are no changes in this amendment.
7	Pending	Method	There are no changes in this amendment.
8	Pending	Method	There are no changes in this amendment.
9	Pending	Method	There are no changes in this amendment.
10	Pending	Method	There are no changes in this amendment.
11	Pending	Method	There are no changes in this amendment.
12	Pending	Method	There are no changes in this amendment.
13	Pending	Method	There are no changes in this amendment.
14	Cancelled	N/A	N/A
15	Pending	Method	There are no changes in this amendment.
16	Pending	Composition	There are no changes in this amendment.
17	Pending	Composition	There are no changes in this amendment.
18	Pending	Composition	There are no changes in this amendment.
19	Pending	Composition	There are no changes in this amendment.
20	Pending	Composition	There are no changes in this amendment.
21-38	Cancelled	N/A	N/A
39	Pending	Composition	There are no changes in this amendment.

**Applicant's Response to Examiner's 35 USC § 103(a) Rejections****Examiner Rejection**

Claims 1 – 13, 15 – 20, 39 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 09/733392 in view of USP 6660164 to Stover.

Applicant's Response

Applicant appreciates time afforded by the Examiner to formulate his rejection.

Applicant respectfully presents to the Examiner a Terminal Disclaimer, form PTO/SB/25, which is submitted with this OAR.

As the Terminal Disclaimer negates the copending application from the Examiner's Rejection, Applicant has respectfully traversed the Examiner's rejection.

Examiner Rejection

Claims 1 – 13, 15-20, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5954964 to Nielsen in view of USP 6660164 to Stover and USP 5861100 to Nagasaki.

Applicant's Response

Applicant appreciates time afforded by the Examiner to formulate his rejection.

Applicant respectfully presents that Stover does not teach dewatering of sludge, much less teach dewatering of thermophilic biological sludge that has been digested by a thermophilic digestion process, as is claimed in the instant claims. As presented by the Examiner, Stover teaches "adding ferric chloride to an autothermal aerobic thermophilic digestion process before the thermophilic sludge is dewatered to provide micronutrients, to control odor, and for sulfide complexation and precipitation of sulfide". Such is not the same application as the instant claims; such is not dewatering thermophilic biological sludge that has been digested by a thermophilic digestion process. There is no teaching in Stover to the instant claims or the instant specification; therefore, there is no reason for one of ordinary skill in the art to view Stover in light of the instant claims, much less try ferric chloride in Stover to attempt the instant claims.

In addition, Applicant also respectfully presents to the Examiner that Nagasaki, USP 5861100 ('100), teaches a method of wastewater treatment. The abstract of the '100 states:

The method of the invention is characterized by adding comprises adding an inorganic flocculant to waste water treated with activated sludge process, adjusting the waste water between pH 4.0 and 5.0, waste water in this state for at least 1 minute, adjusting the waste water between pH 5.5 and 9.0 and adding an anionic polymer flocculant to generate flocs and separating the flocs to obtain supernatant. Accord-

Repeated again in col. 2:

Thus, the present invention provides a method of waste water treatment which comprises of adding an inorganic
15 flocculant to waste water treated with activated sludge process, adjusting the waste water between pH 4.0 and 5.0, keeping the waste water in this state for at least 1 minute, adjusting the waste water between pH 5.5 and 9.0 and adding an anionic polymer flocculant to generate flocs and
20 separating the flocs to obtain supernatant.

Applicant respectfully presents that the '100 has no teaching or suggestion to dewater biological sludge, much less dewater thermophilic biological sludge digested by a thermophilic digestion process; therefore, there is no reason for one of ordinary skill in the art to view Nagasaki, ferric chloride or aluminum sulfate as taught in Nagasaki, in light of or attempt of the instant claims.

As presented by the Examiner, "Nielson does not describe adding ferric chloride to the thermophilic biological sludge"; therefore, there is no reason for one of ordinary skill in the art to view Nielson in light of the instant claims, much less try Nielson with ferric chloride or aluminum sulfate in substitution of Nielson's "low molecular weight polymers" in attempt of the instant claims. Further, as Stover teaches nutrients and odor control while Nielson teaches dewatering of thermophilic biological sludge, there is no reason for one of ordinary skill in the art to substitute ferric chloride, as taught by Stover, in Nielson. Further still, as Nagasaki teaches use of ferric chloride or aluminum sulfate in wastewater, there is no reason for one of ordinary skill in the art to substitute ferric chloride or aluminum sulfate, as taught by Nagasaki, into Nielson to dewater thermophilic biological sludge from a thermophilic digestion process, as claimed in the instant claims. Neither application of Stover nor of Nagasaki is that of dewatering sludge, much less dewatering thermophilic biological sludge from a

thermophilic digestion process, as claimed in the instant claims; therefore, one of ordinary skill in the art would not use the teachings of either Stover or Nagasaki in Nielson.

In conclusion, one of ordinary skill in the art would not view ferric chloride, as taught by Stover, in light of the instant claims; as, Stover teaches a different application. Further still, one of ordinary skill in the art would not view Nagasaki, ferric chloride or aluminum sulfate, as taught by Nagasaki, in light of the instant claims; as, Nagasaki teaches a different application. Still further, Nielson does not teach the use of ferric chloride; while, Nielson does teach dewatering of biological sludge from a thermophilic digestion process which is a different application than that taught within Stover and Nagasaki. The instant claims are not obvious by Nielson in view of Stover and Nagasaki. The instant claims are not obvious to one of ordinary skill in the art at the time of the instant invention.

Applicant has respectfully traversed the rejection of the Examiner.

Examiner Rejection

Claims 1 – 13, 15-20, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Nielsen in view of Field.

Applicant's Response

Applicant appreciates time afforded by the Examiner to formulate his rejection.

Applicant respectfully presents to the Examiner that, as stated by the Examiner and reviewed above, Nielson does not teach use of ferric chloride.

Applicant also respectfully presents to the Examiner that Field, USP 4043910 ('910), similar to the '100, teaches a method of wastewater treatment. The abstract of the '910 states:

[57]

ABSTRACT

Phosphate is removed from an aqueous medium by adding inorganic coagulant followed by a cationic poly-electrolyte which is a water-soluble quaternary ammonium salt of a high molecular weight copolymer of acrylamide and an alkylaminoalkyl ester of acrylic or methacrylic acid. The process is of particular value in reducing the phosphate content of sewage effluent.

Repeated again in col. 3:

According to our invention we remove phosphate from an aqueous waste bulk effluent containing phosphate by precipitating soluble and colloidal phosphates in the medium by adding to the medium an inorganic coagulant, and thereafter we add to the medium certain water soluble high molecular weight cationic polyelectrolyte flocculants, and then we subject the waste to a liquids-solids separation process. 20

Therefore, the '910 teaches removal of phosphates from wastewater; while, there is no teaching or suggestion within the '910 to dewater a biological sludge, much less dewater thermophilic biological sludge that has been digested by a thermophilic digestion process.

Applicant respectfully presents that, similar to the '100, the '910 has no teaching or suggestion as to the dewatering of biological sludge, much less the dewatering of a thermophilic biological sludge from a thermophilic digestion process, as claimed in the instant claims. Therefore, at the time of the instant invention, one of ordinary skill in the art would not combine Nielson and Field to obtain the instant claims.

The instant claims are not obvious by Nielson in view of Field.

Applicant has respectfully traversed the Examiner's rejection.

Applicant Requests Claim Allowance

Applicant has respectfully traversed all of the Examiner's rejections. Applicant herein respectfully requests an allowance of claims 1 – 13, 15 – 20 and 39 as presented herein.

CONCLUSION

Applicant respectfully requests entry of this RCE and OAR, along with favorable reconsideration of the pending claims. Applicant has respectfully traversed all of the Examiner's rejections.

To facilitate resolution of any issues or questions presented by this paper, Applicant respectfully requests that the Examiner directly contact the undersigned by phone to further discussion, reconsideration and allowance of the claims.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a horizontal line and a small flourish.

Richard A. Haase, Pro Se' Applicant

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